

Calendar No. 374

110TH CONGRESS
1ST SESSION

S. 838

[Report No. 110–176]

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2007

Mr. SMITH (for himself, Mr. BINGAMAN, Ms. LANDRIEU, Mr. MENENDEZ, Ms. COLLINS, Mr. CONRAD, Mr. CASEY, Mr. SPECTER, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States-Israel
3 Energy Cooperation Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) it is in the highest national security inter-
7 ests of the United States to develop alternative re-
8 newable energy sources;

9 (2) the State of Israel is a steadfast ally of the
10 United States;

11 (3) the special relationship between the United
12 States and Israel is manifested in a variety of coop-
13 erative scientific research and development pro-
14 grams; such as—

15 (A) the United States-Israel Binational
16 Science Foundation (BSF); and

17 (B) the United States-Israel Binational In-
18 dustrial Research and Development Foundation
19 (BIRD);

20 (4) those programs have made possible many
21 scientific, technological, and commercial break-
22 throughs in the fields of life sciences, medicine, bio-
23 engineering, agriculture, biotechnology, communica-
24 tions, and others;

25 (5) on February 1, 1996, the Secretary of En-
26 ergy and the Israeli Minister of Energy and Infra-

1 structure signed an agreement to establish a frame-
 2 work for collaboration between the United States
 3 and Israel in energy research and development ac-
 4 tivities;

5 (6) Israeli scientists and engineers are at the
 6 forefront of research and development in the field of
 7 alternative renewable energy sources; and

8 (7) enhanced cooperation between the United
 9 States and Israel for the purpose of research and de-
 10 velopment of alternative renewable energy sources
 11 would be in the national interests of both countries.

12 **SEC. 3. GRANT PROGRAM.**

13 (a) **AUTHORITY.**—Pursuant to the responsibilities de-
 14 scribed in section 102(10), (14), and (17) of the Depart-
 15 ment of Energy Organization Act (42 U.S.C. 7112(10),
 16 (14), and (17)) and section 103(9) of the Energy Reorga-
 17 nization Act of 1974 (42 U.S.C. 5813(9)), the Secretary,
 18 in consultation with the BIRD or BSF, shall award grants
 19 to eligible entities.

20 (b) **APPLICATION.**—

21 (1) **SUBMISSION OF APPLICATIONS.**—To receive
 22 a grant under this section, an eligible entity shall
 23 submit an application to the Secretary containing
 24 such information and assurances as the Secretary, in
 25 consultation with the BIRD or BSF, may require.

1 (2) ~~SELECTION OF ELIGIBLE ENTITIES.~~—The
 2 Secretary, in consultation with the Directors of the
 3 ~~BIRD and BSF~~, may review any application sub-
 4 mitted by any eligible entity and select any eligible
 5 entity meeting criteria established by the Secretary,
 6 in consultation with the Advisory Board, for a grant
 7 under this section.

8 (c) ~~AMOUNT OF GRANT.~~—The amount of each grant
 9 awarded for a fiscal year under this section shall be deter-
 10 mined by the Secretary, in consultation with the ~~BIRD~~
 11 or ~~BSF~~.

12 (d) ~~PRIVATE FUNDS.~~—The Secretary may accept
 13 contributions of funds from private sources to carry out
 14 this Act.

15 (e) ~~OFFICE OF ENERGY EFFICIENCY AND RENEW-~~
 16 ~~ABLE ENERGY.~~—The Secretary shall carry out this sec-
 17 tion through the existing programs at the Office of Energy
 18 Efficiency and Renewable Energy.

19 (f) ~~RESEARCH ADMINISTRATION.~~—

20 (1) ~~IN GENERAL.~~—The requirements of sections
 21 988 and 989 of the Energy Policy Act of 2005 (42
 22 U.S.C. 16352 and 16353) shall apply to any grant
 23 made under this section.

24 (2) ~~REPAYMENT.~~—

1 (A) IN GENERAL.—Any funds repaid to
 2 the BIRD by a grantee for a grant made under
 3 this section shall be—

4 (i) transferred to the Secretary;

5 (ii) deposited by the Secretary into
 6 the Energy Research and Development Ac-
 7 tivities Fund established in subparagraph
 8 (B); and

9 (iii) available to the Secretary for use
 10 for alternative renewable energy research
 11 and development activities.

12 (B) REVOLVING FUND.—There is estab-
 13 lished in the Treasury of the United States a
 14 revolving fund known as the Energy Research
 15 and Development Activities Fund. Any amounts
 16 deposited in the Fund pursuant to clause (ii) of
 17 subparagraph (A) shall be available to the Sec-
 18 retary, without fiscal year limitation or further
 19 appropriation, for the purpose described in
 20 clause (iii) of such subparagraph.

21 (g) REPORT.—Not later than 180 days after the com-
 22 pletion of work supported by a grant under this section,
 23 each recipient shall submit a report to the Secretary—

24 (1) documenting how the recipient used the
 25 grant funds; and

1 (2) evaluating the level of success of each
2 project funded by the grant.

3 **SEC. 4. INTERNATIONAL ENERGY ADVISORY BOARD.**

4 (a) **ESTABLISHMENT.**—There is established in the
5 Department of Energy an International Energy Advisory
6 Board.

7 (b) **DUTIES.**—The Advisory Board shall advise the
8 Secretary on—

9 (1) criteria for the recipients of grants awarded
10 under section 3(a);

11 (2) the total amount of grant money to be
12 awarded to all grantees selected by the Secretary, in
13 consultation with the BIRD; and

14 (3) the total amount of grant money to be
15 awarded to all grantees selected by the Secretary, in
16 consultation with the BSF, for each fiscal year.

17 (c) **MEMBERSHIP.**—

18 (1) **COMPOSITION.**—The Advisory Board shall
19 be composed of—

20 (A) 1 member appointed by the Secretary
21 of Commerce;

22 (B) 2 members appointed by the Secretary
23 of Energy; and

24 (C) 2 members who shall be Israeli citi-
25 zens, appointed by the Secretary of Energy

1 after consultation with appropriate officials in
2 the Israeli Government.

3 ~~(2) DEADLINE FOR APPOINTMENTS.—~~The ini-
4 tial appointments under paragraph ~~(1)~~ shall be
5 made not later than 60 days after the date of enact-
6 ment of this Act.

7 ~~(3) TERM.—~~Each member of the Advisory
8 Board shall be appointed for a term of 4 years.

9 ~~(4) VACANCIES.—~~A vacancy on the Advisory
10 Board shall be filled in the manner in which the
11 original appointment was made.

12 ~~(5) BASIC PAY.—~~

13 ~~(A) COMPENSATION.—~~A member of the
14 Advisory Board shall serve without pay.

15 ~~(B) TRAVEL EXPENSES.—~~Each member of
16 the Advisory Board shall receive travel ex-
17 penses, including per diem in lieu of subsist-
18 ence, in accordance with applicable provisions of
19 subchapter I of chapter 57 of title 5, United
20 States Code.

21 ~~(6) QUORUM.—~~Three members of the Advisory
22 Board shall constitute a quorum.

23 ~~(7) CHAIRPERSON.—~~The Chairperson of the
24 Advisory Board shall be designated by the Secretary
25 of Energy at the time of the appointment.

1 ~~(8) MEETINGS.—The Advisory Board shall~~
 2 meet at least once annually at the call of the Chair-
 3 person.

4 ~~(d) TERMINATION.—Section 14(a)(2)(B) of the Fed-~~
 5 eral Advisory Committee Act (5 U.S.C. App.) shall not
 6 apply to the Advisory Board.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 ~~(1) ADVISORY BOARD.—The term “Advisory~~
 10 Board” means the International Energy Advisory
 11 Board established by section 4(a).

12 ~~(2) BIRD.—The term “BIRD” means the~~
 13 Israel-United States Binational Industrial Research
 14 and Development Foundation.

15 ~~(3) BSF.—The term “BSF” means the United~~
 16 States-Israel Binational Science Foundation.

17 ~~(4) ELIGIBLE ENTITY.—The term “eligible enti-~~
 18 ty” means a joint venture comprised of both Israeli
 19 and United States private business entities or a joint
 20 venture comprised of both Israeli academic persons
 21 (who reside and work in Israel) and United States
 22 academic persons; that—

23 ~~(A) carries out an eligible project; and~~

24 ~~(B) is selected by the Secretary, in con-~~
 25 sultation with the BIRD or BSF, using the cri-

1 teria established by the Secretary, in consulta-
2 tion with the Advisory Board.

3 ~~(5) ELIGIBLE PROJECT.—The term “eligible~~
4 ~~project” means a project to encourage cooperation~~
5 ~~between the United States and Israel on research,~~
6 ~~development, or commercialization of alternative en-~~
7 ~~ergy, improved energy efficiency, or renewable en-~~
8 ~~ergy sources.~~

9 ~~(6) SECRETARY.—The term “Secretary” means~~
10 ~~the Secretary of Energy, acting through the Assist-~~
11 ~~ant Secretary of Energy for Energy Efficiency and~~
12 ~~Renewable Energy.~~

13 **SEC. 6. TERMINATION.**

14 The grant program authorized under section 3 and
15 the Advisory Board shall terminate upon the expiration
16 of the 7-year period which begins on the date of the enact-
17 ment of this Act.

18 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19 The Secretary is authorized to expend not more than
20 \$20,000,000 to carry out this Act for each of fiscal years
21 2008 through 2014 from funds previously authorized to
22 the Office of Energy Efficiency and Renewable Energy.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “United States-Israel En-*
25 *ergy Cooperation Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds that—*

3 *(1) it is in the highest national security interests*
4 *of the United States to develop renewable energy*
5 *sources;*

6 *(2) the State of Israel is a steadfast ally of the*
7 *United States;*

8 *(3) the special relationship between the United*
9 *States and Israel is manifested in a variety of cooper-*
10 *ative scientific research and development programs,*
11 *such as—*

12 *(A) the United States-Israel Binational*
13 *Science Foundation; and*

14 *(B) the United States-Israel Binational In-*
15 *dustrial Research and Development Foundation;*

16 *(4) those programs have made possible many sci-*
17 *entific, technological, and commercial breakthroughs*
18 *in the fields of life sciences, medicine, bioengineering,*
19 *agriculture, biotechnology, communications, and oth-*
20 *ers;*

21 *(5) on February 1, 1996, the Secretary of En-*
22 *ergy and the Israeli Minister of Energy and Infra-*
23 *structure signed an agreement to establish a frame-*
24 *work for collaboration between the United States and*
25 *Israel in energy research and development activities;*

1 (6) *Israeli scientists and engineers are at the*
 2 *forefront of research and development in the field of*
 3 *renewable energy sources; and*

4 (7) *enhanced cooperation between the United*
 5 *States and Israel for the purpose of research and de-*
 6 *velopment of renewable energy sources would be in the*
 7 *national interests of both countries.*

8 **SEC. 3. GRANT PROGRAM.**

9 (a) *ESTABLISHMENT.*—*In implementing the agree-*
 10 *ment entitled the “Agreement between the Department of*
 11 *Energy of the United States of America and the Ministry*
 12 *of Energy and Infrastructure of Israel Concerning Energy*
 13 *Cooperation”, dated February 1, 1996, the Secretary of En-*
 14 *ergy (referred to in this Act as the “Secretary”) shall estab-*
 15 *lish a grant program in accordance with the requirements*
 16 *of sections 988 and 989 of the Energy Policy Act of 2005*
 17 *(42 U.S.C. 16352, 16353) to support research, development,*
 18 *and commercialization of renewable energy or energy effi-*
 19 *ciency.*

20 (b) *TYPES OF ENERGY.*—*In carrying out subsection*
 21 *(a), the Secretary may make grants to promote—*

- 22 (1) *solar energy;*
- 23 (2) *biomass energy;*
- 24 (3) *energy efficiency;*
- 25 (4) *wind energy;*

1 (5) *geothermal energy*;

2 (6) *wave and tidal energy*; and

3 (7) *advanced battery technology*.

4 (c) *ELIGIBLE APPLICANTS*.—*An applicant shall be eli-*
 5 *gible to receive a grant under this section if the project of*
 6 *the applicant—*

7 (1) *addresses a requirement in the area of im-*
 8 *proved energy efficiency or renewable energy sources,*
 9 *as determined by the Secretary; or*

10 (2) *is a joint venture between—*

11 (A)(i) *a for-profit business entity, academic*
 12 *institution, National Laboratory (as defined in*
 13 *section 2 of the Energy Policy Act of 2005 (42*
 14 *U.S.C. 15801)), or nonprofit entity in the*
 15 *United States; and*

16 (ii) *a for-profit business entity, academic*
 17 *institution, or nonprofit entity in Israel; or*

18 (B)(i) *the Federal Government; and*

19 (ii) *the Government of Israel*.

20 (d) *APPLICATIONS*.—*To be eligible to receive a grant*
 21 *under this section, an applicant shall submit to the Sec-*
 22 *retary an application for the grant in accordance with pro-*
 23 *cedures established by the Secretary, in consultation with*
 24 *the advisory board established under subsection (e).*

25 (e) *ADVISORY BOARD*.—

1 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
 2 *lish an advisory board—*

3 (A) *to monitor the method by which grants*
 4 *are awarded under this section; and*

5 (B) *to provide to the Secretary periodic per-*
 6 *formance reviews of actions taken to carry out*
 7 *this section.*

8 (2) *COMPOSITION.*—*The advisory board estab-*
 9 *lished under paragraph (1) shall be composed of 3*
 10 *members, to be appointed by the Secretary, of*
 11 *whom—*

12 (A) *1 shall be a representative of the Fed-*
 13 *eral Government;*

14 (B) *1 shall be selected from a list of nomi-*
 15 *nees provided by the United States-Israel Bina-*
 16 *tional Science Foundation; and*

17 (C) *1 shall be selected from a list of nomi-*
 18 *nees provided by the United States-Israel Bina-*
 19 *tional Industrial Research and Development*
 20 *Foundation.*

21 (f) *CONTRIBUTED FUNDS.*—*Notwithstanding section*
 22 *3302 of title 31, United States Code, the Secretary may ac-*
 23 *cept, retain, and use funds contributed by any person, gov-*
 24 *ernment entity, or organization for purposes of carrying*
 25 *out this section—*

1 (1) *without further appropriation; and*

2 (2) *without fiscal year limitation.*

3 (g) *REPORT.*—*Not later than 180 days after the date*
 4 *of completion of a project for which a grant is provided*
 5 *under this section, the grant recipient shall submit to the*
 6 *Secretary a report that contains—*

7 (1) *a description of the method by which the re-*
 8 *cipient used the grant funds; and*

9 (2) *an evaluation of the level of success of each*
 10 *project funded by the grant.*

11 (h) *CLASSIFICATION.*—*Grants shall be awarded under*
 12 *this section only for projects that are considered to be un-*
 13 *classified by both the United States and Israel.*

14 **SEC. 4. TERMINATION.**

15 *The grant program and the advisory committee estab-*
 16 *lished under this Act terminate on the date that is 7 years*
 17 *after the date of enactment of this Act.*

18 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

19 *The Secretary shall use amounts authorized to be ap-*
 20 *propriated under section 931 of the Energy Policy Act of*
 21 *2005 (42 U.S.C. 16231) to carry out this Act.*

Amend the title so as to read: “To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons.”.

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A BILL

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

SEPTEMBER 17, 2007

Reported with an amendment and an amendment to the title